

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TYKIESHA WARD and JARVIS STEWART,)	
)	
)	
Plaintiffs,)	CIVIL ACTION NO.
v.)	
)	1:22-cv-03182-MHC
PIVOTAL RETAIL GROUP, LLC,)	
)	
Defendant.)	
<hr style="width: 40%; margin-left: 0;"/>)	

JOINT MOTION TO EXTEND DISCOVERY

The parties jointly move the Court to extend discovery in this case for sixty (60) days in order for the parties to continue exploring resolution and complete remaining discovery. In support of this Motion, the parties show as follows:

1. The Parties filed a Joint Motion to Stay and Extend Discovery on August 2, 2023, requesting that the Court stay this matter for thirty (30) days and extend the discovery period by four months following the expiration of the stay. (Doc. 32.)

2. This granted the Joint Motion to Stay and Extend Discovery on that same day of August 2, 2023. (Doc. 33.)

3. The stay expired on September 1, 2023, and the discovery period is now set to end on January 2, 2024.

4. The parties are continuing to attempt to resolve this case amongst themselves but need additional time to complete discovery if they are unable to reach a settlement in principle.

5. The parties jointly request that the discovery period be extended by sixty (60) days, from its existing cut-off date of January 2, 2024, through and including March 4, 2024.

6. This extension is needed because the parties have been trying to be cost-effective as they explore a potential resolution to this case but will need sufficient time to finish conducting discovery if they reach an impasse in settlement negotiations.

7. There is good cause for the requested extension because the additional time will facilitate the parties' efforts to resolve this case without further expenditure of the Court's or the parties' respective resources. "[P]ublic policy strongly favors pretrial settlement in all types of litigation" because litigation "can occupy a court's docket for years on end, depleting the resources of parties and the taxpayers while rendering meaningful relief increasingly elusive." *See Munford v. Munford, Inc.*,

97 F.3d 449, 455 (11th Cir. 1996) (quoting *U.S. Oil & Gas v. Wolfson*, 967 F.2d 489, 493 (11th Cir. 1992)).

8. For the above and foregoing reasons, the parties respectfully request a sixty (60) day extension of the discovery period, and that all other pretrial deadlines be extended accordingly.

9. This motion is not brought for the purpose of delay, and the requested extension will not prejudice any party.

WHEREFORE, the parties hereby request that the Court extend the discovery period in this matter by an additional sixty (60) days. For the Court's convenience, a proposed order granting this relief is attached here to as Exhibit 1.

/s/ Andrew J. Kim
Kenneth G. Menendez
Georgia Bar No. 502045
Andrew J. Kim
Georgia Bar No. 488753
FREEMAN MATHIS & GARY, LLP
100 Galleria Parkway
Suite 1600
Atlanta, GA 30339
T: (770) 818-000
kmenendez@fmglaw.com
akim@fmglaw.com

Attorneys for Defendant

/s/ Colby Qualls
Colby Qualls
Ark. Bar No. 2019246 (PHV)
Forester Haynie, PLLC
400 N Saint Paul St, Suite 700
Dallas, Texas 75231
T: (214) 210-2100
cqualls@foresterhaynie.com

Attorney for Plaintiffs

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), the undersigned hereby certifies that the foregoing **JOINT MOTION TO EXTEND DISCOVERY** has been prepared in compliance with Local Rule 5.1(B) in 14-point New Times Roman type face.

/s/ Colby Qualls

Colby Qualls

Ark. Bar No. 2019246 (PHV)

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on this day I electronically filed the foregoing **JOINT MOTION TO EXTEND DISCOVERY** with the Clerk of the Court using the CM/ECF system and served by electronic mail to counsel of record as follow:

Andrew Kim
Kenneth Menendez
Freeman Mathis & Gary, LLP
100 Galleria Parkway, Suite 1600
Atlanta, Georgia 30339
T: 770-818-0000
akim@fmglaw.com
kmenendez@fmglaw.com

This 18th day of December, 2023.

/s/ Colby Qualls
Colby Qualls
Ark. Bar No. 2019246 (PHV)
Forester Haynie, PLLC
400 N Saint Paul St, Suite 700
Dallas, Texas 75231
T: (214) 210-2100
cqualls@foresterhaynie.com

Attorney for Plaintiffs

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TYKIESHA WARD and JARVIS STEWART,)	
)	
)	
Plaintiffs,)	CIVIL ACTION NO.
v.)	
)	1:22-cv-03182-MHC
PIVOTAL RETAIL GROUP, LLC,)	
)	
Defendant.)	
_____)	

ORDER

Having considered the parties Joint Motion to Extend Discovery, and for good cause shown, the Motion is GRANTED. IT IS HEREBY ORDERED that the discovery period in this action shall be extended through and including March 4, 2024.

IT SO ORDERED this ____ day of _____, 2023.

Mark H. Cohen
United States District Judge